

REMARKS

This Amendment is filed in response to the Office Communication mailed March 20th, 2006 and the previous Office Action Mailed September 30th, 2005. All objections and rejections are respectfully traversed.

Claims 1-13 and 28-40 are now pending in the case.

Claims 14-27 have been cancelled without prejudice.

New claims 28-40 have been added

No claims have been amended.

Claim Rejections - 35 U.S.C. §103

At paragraphs 1-3 of the previous Office Action, claims 1-13 were rejected under 35 U.S.C. § 102 as anticipated by Seaman et al., US Patent No. 6,262,977, issued on July 17, 2001 (hereinafter Seaman).

The Applicant addressed such rejection in the previous response and respectfully refers to the Examiner to the arguments contained therein.

New Claims

In the Office Communication, the Examiner requested arguments pointing out the specific novelty of the new claims over Seaman. While this request was made in relation to claim 14-27 which are no longer pending, the Applicant will now discuss new claims 28-41 to assist the Examiner.

The Applicant's claim 28, representative in part of claims 28-40, sets forth:

28. A method for transitioning ports of an intermediate network device among a plurality of states, the method comprising the steps of:

executing the rapid spanning tree protocol (RSTP) on the intermediate network device, the RSTP designating a first port of the device to a Root Port Role and

designating one or more second ports of the device to Designated Port Roles and placing the one or more second ports in a forwarding state; subsequent to the step of executing, *reassigning the Root Port Role from the first port to a third port of the device and blocking the first port*;

receiving a bridge protocol data unit (BPDU) message on the third port, the BPDU message having a proposal flag that is asserted (hereinafter proposal-BPDU); and

in response to the proposal-BPDU, *maintaining the one or more second ports in the forwarding state.*

Seaman describes a modification to the spanning tree protocol (STP) where a port in an Alternate Port Role is transitioned to Root Port Role and placed in a forwarding state immediately, i.e. without traversing the listening and learning states. *See* col. 5, lines 35-51. When a new Root Port transitions into the forwarding state, the ports in the Designated Role are transitioned to “listening” and/or “learning” state before transitioning back to the forwarding state. *See* col. 14, lines 21-31 and Fig 11, event 3’. Such operation is consistent with conventional STP scheme, where Designated Ports are transitioned out of the forwarding state for some period of time whenever a new Root Port is selected.

The Applicant respectfully urges that Seaman is silent concerning the Applicant’s claimed “*executing the rapid spanning tree protocol (RSTP)*” and “*reassigning the Root Port Role from the first port to a third port of the device and blocking the first port*” and “*maintaining the one or more second ports in the forwarding state.*”

First, while the Applicant claims *executing the rapid spanning tree protocol (RSTP)*, Seaman only discloses use of the regular STP, making absolutely no mention of RSTP. STP is different from RSTP, and operates in a different manner. For example, STP uses a “listening” state (which Seaman repeatedly references, *see* Fig 5, 11, 13 etc.)

while RSTP does not. Further STP has notion of a *proposal flag*, a feature claimed by the Applicant.

Second, while the Applicant claims *reassigning the Root Port Role from the first port to a third port of the device and blocking the first port* while also *maintaining the one or more second ports in the forwarding state*, a system built according to Seaman would not operate in such a manner. Instead, Seaman discloses transitioning Designated Ports to a “listening” and/or “learning” state before transitioning them back to a forwarding state.

The Applicant addresses these excess transitions, in part, by modifying conventional RSTP. When a Root Port Role is reassigned to a new port, the Applicant recognizes that the most likely port to create a loop in the network is the previous Root Port. Thus, the Applicant claims *blocking the first port while in response to the proposal-BPDU, maintaining the one or more second ports in the forwarding state*. The ports that are in the Designated Port Role are unlikely to cause a loop in this situation, and thus can safely remain in the forwarding state. There is no suggestion in Seaman of these novel features.

Accordingly, the Applicant respectfully urges that Seaman is legally insufficient to anticipate the present claims under 35 U.S.C. §102 because of the absence of the Applicant’s claimed novel “*executing the rapid spanning tree protocol (RSTP)*” and “*reassigning the Root Port Role from the first port to a third port of the device and blocking the first port*” and “*maintaining the one or more second ports in the forwarding state.*”

In the event that the Examiner deems personal contact desirable in disposition of this case, the Examiner is encouraged to call the undersigned attorney at (617) 951-2500.

All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims.

The Applicant respectfully solicits favorable action.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "James A. Blanchette", is written over a horizontal line.

James A. Blanchette
Reg. No. 51,477
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500